

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 31 ACRES, BEING IN THE A.M. ESNAURIZAR SURVEY, ABSTRACT NO. 98, CURRENTLY ADDRESSED AT 3700 IH 35 NORTH, FROM APD AH AL (AGRICULTURAL/PRE-DEVELOPMENT DISTRICT WITH AIRPORT OVERLAY) TO M-1A AH AL (LIGHT INDUSTRIAL DISTRICT WITH AIRPORT OVERLAY); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the M-1A AH AL (Light Industrial District with Airport Overlay), the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan;

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 31 acres being in the A.M. Esnaurizar Survey, Abstract No. 98, currently addressed at 3700 IH 35 North from APD AH AL (Agricultural/Pre-Development District with Airport Overlay) to M-1A AH AL (Light Industrial District with Airport Overlay); and

now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following tract of land from APD AH AL (Agricultural/Pre-Development District with Airport Overlay) to M-1A AH AL (Light Industrial District with Airport Overlay):

Approximately 31 acres, being in the A.M. Esnaurizar Survey, Abstract No. 98, as delineated on Exhibit "A" and described in Exhibit "B", attached.

SECTION 2

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 3

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 4

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 24th day of July, 2023.

PASSED AND APPROVED: Second reading this 14th day of August, 2023.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

A 30.92 ACRE TRACT

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

P.O.C.

(Tech. Surveying)

Zoned: M-1, AH, AL
Zoning Information
Not available

Lot 1, Blk 1
Wal-Mart Subdivision
Vol. 9, Pg. 119
Map and Plat Records
Comal County, Texas

P.O.B.

30.92 Acres

A.M. ESNAURIZAR LEAGUE SURVEY, ABSTRACT NO. 98

Called 40.37 Acre Tract
MP New Braunfels, LLC.
Document No. 202206025070
Official Public Records
Comal County, Texas

(C&S - SA)

Portion of
Called 40.37 Acre Tract
MP New Braunfels, LLC.
Document No. 202206025070
Official Public Records
Comal County, Texas

Lot 13, Drainage Right-of-Way
New Braunfels Town Center at Creekside Phase 1
Doc. No. 200706028033 (Plat)
Official Public Records,
Comal County, Texas

CERTIFICATION:

THE UNDERSIGNED DOES HEREBY CERTIFY THAT
THIS EXHIBIT WAS PREPARED FROM RECORDS AND
PREVIOUS SURVEY MADE ON THE GROUND ON
FEBRUARY 15, 2023, OF THE CALLED 40.37 ACRE
TRACT SHOWN HEREON

Marion Ruth Bolton

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4727
DATE DRAWN: MAY, 2023 DRAWN BY: MRB



TBPLS FIRM NO. 101919-00
419 BIG BEND
CANYON LAKE, TEXAS 78133
PHONE (830) 935-2457
WWW.RICKMANLANDSURVEYING.COM



5-16-2023



A 30.92 ACRE TRACT

A 30.92 ACRE TRACT SITUATED IN THE CITY OF NEW BRAUNFELS, TEXAS, OUT OF THE A.M. ESNAURIZAR LEAGUE SURVEY, ABSTRACT NO. 98, COMAL COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 40.37 ACRE TRACT DESCRIBED IN DEED TO MP NEW BRAUNFELS, LLC, OF RECORD IN DOCUMENT NO. 202206025070, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: NOTE: (BASIS OF BEARING IS TEXAS SOUTH CENTRAL ZONE, NAD83.) (Job Number: 22-024-08)

COMMENCING: At a 1/4" Iron rod with cap stamped "Tech" found in the southeast right of way line of Interstate Highway 35 (300 Foot Right of Way), for the west corner of Lot 1, Block 1, Wal-Mart Subdivision, according to plat of record in Volume 9, Page 119, Map and Plat Records, Comal County, Texas, and the north corner of the 40.37 Acre Tract;

THENCE: S 43°53'05" E, 276.48 feet, departing the southeast right of way line of Interstate Highway 35, with the southwest line of Lot 1, Wal-Mart Subdivision and the northeast line of the Called 40.37 Acre Tract to a point in the ostensible southeast line of Zoning Area M-1, (AH, AL), for the north corner of This Tract and the POINT OF BEGINNING;

THENCE: Departing the ostensible southeast line of Zoning Area M-1, continuing with the southwest line of Lot 1, Wal-Mart Subdivision and the northeast line of This Tract, the following calls and distances:

S 43°53'05" E, 1168.80 feet, to a 1/4" Iron with cap stamped "C&B-SA" found for a reentrant corner of Lot 1 and the east corner of This Tract;

S 45°17'34" W, 601.01 feet to a 1/4" Iron rod found for the west corner of Lot 1, the northeast corner of Lot 13, Drainage Right of Way, New Braunfels Town Center at Creekside Phase 1 according to plat of record in Document No. 200706028033, Official Public Records, Comal County, Texas, and the southeast corner of This Tract;

THENCE: With the north line of Lot 13 and the south line of This Tract, the following calls and distances:

N 78°45'44" W, 677.49 feet to a 1/4" Iron rod found for an angle point;

S 46°05'40" W, at 177.07 feet passing a 1/4" Iron rod with cap found for a corner of the 40.37 Acre Tract, continuing across the 40.37 Acre Tract, at 192.18 feet passing a 1/4" Iron rod with cap stamped "C&B-SA" found for a reentrant corner of the 40.37 Acre Tract, and continuing with the south line of the 40.37 Acre Tract for a total distance of 516.28 feet to a 1/4" Iron rod with cap stamped "4233" found for the east corner of Lot 1B, Block 1, Resubdivision Plat of Lots 1A & 1B, Block 1, East Hansmann Subdivision, according to plat of record in Volume 9, Page 119, Map and Plat Records, Comal County, Texas, and the southwest corner of the Called 40.37 Acre Tract and This Tract;

- THENCE: N 41°04'08" W, 598.30 feet, departing the north line of Lot 13, with the northeast line of Lot 1B and the southwest line of the 40.37 Acre Tract and This Tract to a point in the ostensible southeast line of Zoning Area M-1, for the west corner of This Tract, from which a ½" iron rod with cap stamped "Tech" found for the north corner of Lot 1B and west corner of the 40.37 Acre Tract bears N 41°04'08" W, 282.84 feet;
- THENCE: N 45°09'41" E, 1475.45 feet, departing the northeast line of Lot 1B, across the 40.37 Acre Tract, with the ostensible southeast line of Zoning Area M-1, and northwest line of This Tract to the POINT OF BEGINNING and containing 30.92 acres of land in the City of New Braunfels, Comal County, Texas.

This document was prepared under 22 TAC §863.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



Marion Ruth Bolton
Registered Professional Land Surveyor No. 4727

5-16-2023

